

Application Serial Number: 09/844,947
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REMARKS/ARGUMENTS

Favorable reconsideration of this application is requested in view of the remarks which follow.

Disposition of Claims

Claims 1, 2, 4-9, 13, 15, 20, 21, 23 and 24 are pending in this application.

Rejections under 35 U.S.C. §103

Claims 1, 2, 4-9, 13, 15, 20, 21, 23 and 24 were rejected under 35 U.S.C. §103(a) as being obvious over Blackwell et al. (U.S. Patent No. 5,152,819) in view of Nakahara et al. (U.S. Patent No. 4,419,116), Koide et al. (U.S. Patent No. 5,425,795) or Terashima et al. (U.S. Patent No. 5,423,898) and Roba et al. (U.S. Patent No. 6,672,110). This rejection is respectfully traversed.

Blackwell et al. teach generating vapors and passing vapors through a burner flame to form a stream of volatile gases and finely-divided, spherical particles of soot. Blackwell et al. teach collecting the soot on a mandrel or bait tube to form a porous preform. Blackwell et al. teach that the final product of soot collection, the porous preform, is then subjected to high temperature in which the preform consolidates to a nonporous monolithic glass body.

The Examiner admits that Blackwell et al. is silent as to the minimum temperature of the soot deposition. The Examiner asserts that "[i]nherently, the temperature during soot deposition [in Blackwell et al.] is below the temperature at which the soot particles consolidate otherwise there would be solid fused glass instead of a soot preform." However, the term "soot preform" or "porous preform" is not sufficient to establish the temperature at which the particles of soot were deposited. For example, particles of soot that are only partially consolidated could be described as soot or porous preform.

Nakahara et al., Koide et al., and Terashima et al. do not overcome the aforementioned deficiency in Blackwell et al.

Blackwell et al. teach forming soot particles by passing precursors through the flame of a burner. Roba et al. teach forming soot particles by reacting precursors with water in a reacting chamber without using the flame of a burner. Various temperature profiles are set forth to enable

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this reaction. Roba et al. teach away from forming soot particles using the flame of a burner. As stated in MPEP §2145 X.D.2, "[i]t is improper to combine references where the references teach away from their combination."

In view of the above, claims 1, 2, 4-9, 13, 15, 20, 21, 23, and 24 are not obvious over Blackwell et al. in view of Nakahara et al., Koide et al., or Terashima et al. and Roba et al. Withdrawal of the rejection of claims 1, 2, 4-9, 13, 15, 20, 21, 23, and 24 is respectfully requested.

Conclusion

The rejected claims have been shown to be allowable over the prior art. Applicant believes that this paper is fully responsive to each and every ground of rejection cited by the Examiner in the Office Action dated June 21, 2004, and respectfully requests that a timely Notice of Allowance be issued in this case.

Please apply any charges not covered or any credits to Deposit Account No. 50-3202 (Docket No. SP01-095).

Respectfully submitted,

Date: 9/21/2004

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